

MAR 30 2011

AT O'CLOCK
Lawrence K. Baerman, Clerk - Syracuse

At a Motion Term of the United States
District Court, Northern District of New
York, held at the United States Courthouse,
Syracuse, New York, on the _____ day of
_____, 2011.

PRESENT: HONORABLE NEAL P. McCURN
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ENGINEERS JOINT WELFARE, PENSION, SUPPLEMENTAL UNEMPLOYMENT BENEFIT AND TRAINING FUNDS, by Daniel P. Harrigan, as Administrator; OPERATING ENGINEERS LOCAL 17 TRAINING FUND, by James Smolinski, Jr., as Administrative Manager; CENTRAL PENSION FUND OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS AND PARTICIPATING EMPLOYERS, by Michael R. Fanning, as Chief Executive Officer; and INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 17, by Alan Pero, as International Representative,)	ORDER
Plaintiffs,)	Civil Action No. 08-CV-654 (NPM/GJD)
- against -)	
D. LAND CONSTRUCTION COMPANY INC. and DADON LAND, Individually and as an Officer of D. Land Construction Company Inc.,)	
Defendants.)	

Pursuant to FRCP Rules 37 and 69 of the Federal Rules of Civil Procedure, plaintiffs have duly moved this Court for an entry of an Order compelling discovery and issuing sanctions,

AND, this said Motion having regularly come on to be heard,

NOW, upon reading and filing the Notice of Motion dated August 23, 2010, the Affidavit of Jennifer A. Clark, Esq., sworn to on the 23rd day of August, 2010, the Supplemental Affidavit of Jennifer A. Clark, Esq., sworn to the 30th day of March, 2011, in support of said Motion, and upon all of the proceedings heretofore had herein, and after due deliberation having been had thereon,

NOW, on Motion of Blitman & King LLP, Jennifer A. Clark, Of Counsel, attorneys for plaintiffs, it

is

ORDERED, that plaintiffs' Motion is granted in all respects, and it is further

ORDERED, that defendants shall pay \$3,085.19 to plaintiffs on or before May 1, 2011, such monies representing the attorneys' and paralegal fees and costs and disbursements caused by the defendants' failure to respond to plaintiffs' discovery requests, representing \$2,943.55 in attorneys' and paralegal fees and \$141.64 in costs and disbursements for the time period May 3, 2010 through March 30, 2011, and it is further

ORDERED, that defendants shall produce the requested records and appear for a deposition prior to May 1, 2011, and it is further

ORDERED, that if defendants fail to comply with this Order, the Clerk shall, upon receiving written notice of the same from plaintiffs, enter judgment, in accordance with FRCP Rule 54, in favor of plaintiffs and against the defendants in the amount of \$3,085.19, and it is further

ORDERED, that if defendants fail to comply with the terms of this Order, defendants ^{may} will be found guilty of contempt of Court and the Court ~~shall direct the arrest of defendant Daron Land~~ and defendant Land may be subject to arrest. *MPW*

DATED: 3/30/2011

ENTERED:



Honorable Neal P. McCunn
United States District Court Judge

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